

VZCZCXRO2731  
RR RUEHDBU RUEHLN RUEHVK RUEHYG  
DE RUEHTA #0502/01 3120221  
ZNR UUUUU ZZH  
R 080221Z NOV 06 ZDK  
FM AMEMBASSY ASTANA  
TO RUEHC/SECSTATE WASHDC 7599  
INFO RUCNCIS/CIS COLLECTIVE  
RUEKJCS/SECDEF WASHDC  
RHEHNSC/NSC WASHDC  
RUEHAST/USOFFICE ALMATY

UNCLAS SECTION 01 OF 02 ASTANA 000502

SIPDIS

DEPARTMENT FOR S/WCI (STAMILIO), L/PM (AHAINES), SCA/CEN (M.  
O'MARA), DOD/OGC (BEAVER), OUSD/DETAINEE POLICY (LIOTTA), NSC  
(CAMPONOVO)

SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: [PTER](#) [KAWC](#) [PINR](#) [PREL](#) [KZ](#)

SUBJECT: KAZAKHSTAN: ASSURANCES FOR RETURN OF KAZAKHSTANI  
DETAINEES

REF: A. State 146996, B. Almaty 3086

ASTANA 00000502 001.4 OF 002

11. (SBU) Summary: Kazakhstan has agreed to the return of three  
citizens held at Guantanamo, and has provided written assurances  
regarding human rights and security issues. End summary.

12. (SBU) On November 7, Poloff met with Ualikhan S. Sanginkhanov,  
Head of the MFA's Division of Europe and America, Department of  
Consular Services to further discuss the Kazakhstani detainees at  
Guantanamo Bay. Sanginkhanov had requested the meeting in order to  
pass Poloff the official Kazakhstani diplomatic note providing the  
human rights and security assurances requested in Ref A in order to  
initiate the process of the repatriation of three Kazakhstani  
detainees.

13. (SBU) The original Russian-language text of the diplomatic note  
will be scanned and sent via email to SCA/CEN Marty O'Mara. Post  
translation of the text follows.

Begin text:

The Ministry of Foreign Affairs presents its compliments to the  
Embassy of the United States of America in the Republic of  
Kazakhstan and in reply to the Embassy's diplomatic note No. 0976/06  
of September 18, 2006, has the honor to inform the Embassy of the  
following.

The Kazakhstani side, having considered the proposal of the United  
States Government regarding the return to Kazakhstan of Kazakhstani  
citizens who are currently under the control of the U.S. Department  
of Defense at the Naval Base at Guantanamo Bay, Cuba, agrees to  
accept A.B. Abykhanov, S.T. Arupov and I.T. Batayev on the territory  
of the Republic of Kazakhstan.

The Kazakhstani side, pursuant to the agreement with the American  
side of September 14, 2006, will accept Kazakhstani citizen D.I.  
Kerimbakiyev if he is not found guilty by the competent authorities  
of the United States of America.

Upon acceptance of transferred persons, in order to ensure that  
there is no continued threat to the international community, the  
Republic of Kazakhstan, or the United States, the Kazakhstani side  
will take, as far as possible, all necessary and appropriate steps  
consistent with the legislation of the Republic of Kazakhstan to  
prevent the above-named Kazakhstani citizens from engaging in  
terrorist activity.

Additionally, the Kazakhstani side notes that in accordance with the legislation of the Republic of Kazakhstan a capable citizen of Kazakhstan should himself bear all responsibility for his actions and conduct, including criminal responsibility.

The Kazakhstani side will carry out necessary actions for identifying the transferred persons and will inform the United States Government in case the transferred persons seek to leave Kazakhstan or succeed in doing so.

At the same time the Kazakhstani side notes that under Kazakhstani law, it would be possible to enter the transferred persons into appropriate national or international watch lists, restrict their travel outside the country, confiscate their passports or deny them permission to travel only in case of their prosecution in accordance the established procedures for committing criminal act and under the preventive punishment restricting their constitutional rights, including freedom of movement.

The Kazakhstani side is ready to provide information received from the stated persons or in regard to them in case it poses a threat to the interests of the United States of America or is connected to the terrorist activity. The Republic of Kazakhstan will assist the American side in granting access to A.B. Abykhanov, S.T. Arupov, I.T. Batayev in case of their consent with the representative of the American side.

The Kazakhstani side will treat transferred persons in accordance with the laws of the Republic of Kazakhstan and its international obligations including the Convention against Torture.

Additionally, the Kazakhstani side is addressing a request to the American side to submit as soon as possible legalized and operational documents regarding the circumstances of detention of the above-named citizens of Kazakhstan in Afghanistan, their statements during interrogations, as well as other available

ASTANA 00000502 002.4 OF 002

information confirming their implication in terrorist activity.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy of the United States of America the assurance of its highest consideration.

Astana  
November 6, 2006

End text.

14. (SBU) Kazakhstani security officials also expressed interest in interviewing the detainees again before a transfer. They have been informed to make their request through their embassy in Washington.

ORDWAY